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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,771	08/25/2006	Hideki Ikarashi	050070-0115	2492

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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

EXAMINER

BROOKS, JERRY L.

ART UNIT	PAPER NUMBER
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2878

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06/23/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/590,771	Applicant(s) IKARASHI ET AL.	
	Examiner JERRY BROOKS	Art Unit 2878	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 May 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-5.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/Georgia Y Epps/
 Supervisory Patent Examiner, Art Unit 2878

/JERRY BROOKS/
 Examiner, Art Unit 2878

Continuation of 11. does NOT place the application in condition for allowance because: With respect to Claim 1, Applicant asserts that Examiner made an improper combination because the secondary reference Nojima (see Col. 3, Lines 42-46) teaches away from the combination, further elaborating specifically that the gauges in Hegg are electromechanical, and thus fixed, and that the gauges in Nojima are fully computer generated, and thus not fixed (see, again, Col. 3, Lines 42-46). Examiner respectfully disagrees with Applicant's conclusions. While Examiner acknowledges that Nojima comprises an instrument panel having a wide display screen which is not a conventional fixed indicator, Examiner does not agree that such a recitation constitutes teaching away from the combination as cited in the Office Action mailed 02/16/2010. Examiner notes that the combination with respect to Hegg in view of Nojima is not dependent upon the state of the gauges, as only the control system of Nojima is applied to the primary reference in combination. Thus, as the secondary reference does not appear to explicitly teach that the control system there-applied cannot be used in a system having said fixed indicators, Nojima fails to teach away from the combination thus rendering the combination proper.

With respect to Claim 2, Applicant asserts that, for similar reasons as cited with respect to Claim 1, Examiner made an improper combination because primary reference Nojima (see Col. 3, Lines 42-46) teaches away from the combination, as elaborated above with respect to Claim 1. Examiner respectfully disagrees with Applicant's conclusions. While Examiner again acknowledges the teachings of Nojima as recited with respect to Claim 1, Examiner respectfully submits that the combination, as cited by the Office Action mailed 02/16/2010, is not dependent upon the teachings of fixed/unfixed gauges. Rather, the teachings of Hegg were only relied upon to teach "a method of displaying vehicle information to a user comprising combining [a] first display image and [a] second display image by a transmissive reflecting member", which Hegg teaches regardless of the fixed or unfixed state of the gauges. Therefore, as Hegg is not relied upon to teach material that is taught away from by Nojima, even when considered as a whole, said combination is considered to be proper..